

***United States Court of Appeals
for the Second Circuit***



APPENDIX

ORIGINAL

77-1290

**United States Court of Appeals
For the Second Circuit**

UNITED STATES OF AMERICA,

Appellee,

-against-

ANTHONY RICCO,

Appellant.

*On Appeal From The United States District Court
For The Southern District Of New York*

APPELLANT'S APPENDIX

J. JEFFREY WEISENFELD
Attorney for Appellant
401 Broadway
New York, New York
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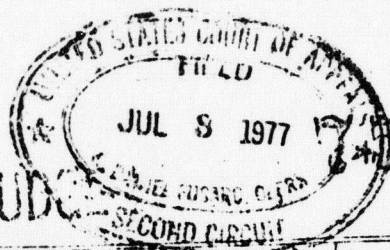


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CRIMINAL DOCKET
UNITED STATES DISTRICT COURT



CRIM. 411

D. C. Form No. 100 Rev.

TITLE OF CASE

THE UNITED STATES

vs.

ATTORNEY'S

For U. S.:

James E. Nesland, AUSA,
791-0071

1. ANTHONY RICCO- 1, 4, 5, 7 & 11 6-17-77
2. ANGELO RICCO- 1, 2, 4, 5, 7 & 11 3-5-76
3. CHARLES INDIVIGLIA- 1 & 2 3-5-76
4. JAMES RIZZIERI- 1, 4 & 5 3-5-76
5. MICHAEL PUGLISI- 1 & 8
6. JOHN DISALVO- 1 & 6 3-26-76
7. ANTHONY ZINZI- 1 4-16-76
8. WILLARD WILLIAMS- 1 & 10
9. SAINT JULIAN HARRISON- 1
10. GEORGE CORRADO- 1 & 3 3-5-76
11. ANTHONY SPITALIERI- 1 & 9
12. FREDDIE BLASE- 1 7-23-76

4/8-8

For Defendant:

JUDGE LASKER

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
(07)					
J.S. 2 mailed	Clerk	5/12/76	67196	5	5
J.S. 3 mailed 3/10/75 & 7/12/75	Marshal	3/10/76	67663	5	5
Violation	Docket fee	3/25/76	68401	5	5
Title 21		4/6/76		5	5
Sec. 846, 812, 841(a)(1), (b). Consp. to viol. Fed. Narcop. Laws. (Ct. 1) Distr. & possess. w/intent to distr. Heroin, I. (Cts. 2-11) (Eleven Counts)					

DATE	PROCEEDINGS
4-23-75	Filed indictment and ordered sealed. Pierce, J. D/A ordered.
4-23-75	Anthony Spitalieri- Court fixes bail in the amount of \$25,000. cash or surety in the event that he is apprehended in Ohio or outside the jurisdiction of the SDNY. Pierce, J.
5-29-75	Indictment ordered unstayed. Gagliardi, J. Anthony Ricco (atty. present) Pleads not guilty. Bail fixed at \$200,000. P.R.B. secured by \$50,000. cash or surety. Bail bond is approved by AUSA (Nesland) and the Court. Remanded in lieu of bail.
	Angeolo Ricco (atty. present) Pleads not guilty. Bail fixed at \$50,000. P.R.B. secured by \$10,000. cash. Remanded in lieu of bail.
	Charles Indiviglia (atty. present) Pleads not guilty. Bail fixed at \$50,000. P.R.B. secured by house owned by brother and sister. deft. Bond to be co-signed by same.
	Michael Puglisi (atty. present) No appearance by deft. No plea entered. Remanded (no bail) Proceedings adj'd to 5/30/75 at 2P.M.
	(over)

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DATE	PROCEEDINGS
XXXXX	
5-29-75	Disalvo(atty. present) Pleads not guilty. Bail fixed at \$10,000. cash or surety. Deft. R.O.R to 5/30/75 at 12 noon at which time bail is to be posted.
	W. Williams(atty. present) Pleads not guilty. Bail fixed at \$25,000. P.R.B. secured by \$7,500. cash. Bail bond to be co-signed by sister. Deft. remanded in lieu of bail.
	Blase(atty. present) Pleads not guilty. Bail fixed at \$25,000. cash or surety. Deft. R.O.R. until June 2, 1975(12 noon) at which time bail is to be posted. Case assigned to Judge Lasker for all purposes. Gagliardi, J.
5/30/75	Puglisi(atty. present) Pleads not guilty. Bail fixed at \$25,000. P.R.B. to be signed by aunt and wife, and \$10,000. cash or surety. Deft. remanded in lieu of bail.
6-2-75	Corrado- No appearance by deft. or counsel. Adjourned to 6/3/75 at 9:30; Gagliardi, J.
6-3-75	JAMES RIZZIERI- Deft present w/o Atty. Court enters plea of NOT GUILTY. Pleading adj'd to June 16, 1975 to obtain Atty. R.O.R.---GAGLAIRDI, J.
6-3-75	ANTHONY ZINZI- Deft (Atty John Cealy present), enters plea of NOT GUILTY. R.O.R.---GAGLAIRDI, J.
6-3-75	GEORGE CORRADO- Deft. present w/o Atty. enters plea of NOT GUILTY by the Court. Forwarded to Magistrate for Atty. R.O.R.---GAGLAIRDI, J.
6-3-75	SAINT JULIAN HARRISON- Deft. (Atty Herbert Segal present), enters plea of NOT GUILTY. 10 days for Motions. R.O.R.---GAGLAIRDI, J.
6-3-75	ALL DEFT'S EXCEPT #11 - Filed Warrant for Arrest of Deft's dated 4-24-75 with Marshal's return executed on all.
5-30-75	JOHN DI SALVO- Filed Appearance Bond for the sum of \$10,000.00 dated 5-30-75. Name of Surety, Midland Insurance Co. -CLERK.
5-30-75	CHARLES INDIVICLIA- Filed P.R.B. w/out security in the sum of \$50,000. Bond secured by deed to house at 2538 Bronxwood Ave, Bx, NY and bank book #MA 75826, Manufacturers Trust Co. -CLERK.
5-30-75	ANGELO RICCO- Filed Appearance Bond for the sum of \$50,000. Name of Surety: Wife, Frances Ricco. - CLERK
5-30-75	ANGELO RICCO- Filed Surety Personal Appearance Bond in the sum of \$10,000 dated 5-30-75. Name of Surety- The Stuyvesant Insurance Co. - CLERK.
5-30-75	MICHAEL PUGLISI- Filed Surety Personal Appearance Bond in the sum of \$10,000. dated 5-30-75. Name of Surety- The Stuyvesant Insurance Co. - CLERK.
5-30-75	MICHAEL PUGLISI- Filed Appearance Bond in the sum of \$25,000 dated 5-30-75. Name of Surety - Wife & Aunt. - CLERK
6-2-75	ANTHONY RICCO- Filed Surety Personal Appearance Bond in the sum of \$50,000. dated 6-2-75. Name of Surety- The Stuyvesant Insurance Co. - CLERK.

(Cont'd on Page #3)

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B

D.C. 111 Rev. 01-1 Docket Continuation

DATE	PROCEEDINGS	Date of Judgment
8-18-75	ANTHONY RICCIO- Filed Deft's Affidvt & Notice of Motion pursuant to Rule 16 of the F.R.Cr.P., discovery of the items more particularly described in the affidavit in support of this motion.	
8-18-75	ANTHONY RICCIO- Filed Deft's Memorandum of Law on Severance.	
8-18-75	ANTHONY RICCIO- Filed Deft's Memorandum of Law.	
8-19-75	JOHN DISALVO- Filed Deft's Notice of Motions for Bill of Particulars, Discovery and Inspection and others as so indicated.	
8-19-75	JOHN DISALVO- Application for permission to appear Pro Hac Vice.	
8-19-75	JOHN DISALVO- Filed Deft's notice of Motion to Produce evidence.	
8-19-75	JOHN DISALVO- Filed Deft's Motion for Severance from prejudicial joinder.	
8-19-75	JOHN DISALVO- Filed Deft's Motion to interview Govt witness.	
8-19-75	JOHN DISALVO- Filed Deft's motion for Speedy Trial.	
8-19-75	JOHN DISALVO- Filed Deft's motion to Suppress.	
8-19-75	JOHN DISALVO- Filed Deft's motion for Discovery & Inspection.	
8-19-75	JOHN DISALVO- Filed Deft's brief in support of pretrial motions.	
8-19-75	JOHN DISALVO- Filed Affidvt of Deft.	
8-25-75	JAMES RIZZIERI- Filed Deft's Notice of Motion & Affidvt for an order pursuant to Rules 7, 8, 11 and 16 of the F.R.Cr.P.	
8-25-75	JAMES RIZZIERI- Filed Memorandum of Law in support for a severance, Bill of Particulars and Discovery and Inspection.	
9-21-75	Filed Govt's Memo of Law in opposition to Pre Trial Motions of Defts.	
9-26-75	ANTHONY RICCIO & ANGELO RICCIO- Filed Defts' Reply Affidvt by D. Breithart, Esq.)	
10-2-75	ANTHONY RICCIO- Filed Govt's Suppl. memo of law in opposition to deft's motion for severance.	
11-17-75	ANTHONY RICCIO- Filed Deft's Affidvt & Notice of Motion for an order that the Govt not be permitted to introduce at trial certain tape recordings.	
11-18-75	Filed MEMORANDUM OF LAW - Nine of the twelve Deft's have filed an array of motions on such matters as severance, discovery, bills of particulars, dismissal of the indictment, limitations of the government's proof and other matters. ***** The motions are moved to the extent official or consented to by the government and are authorized. AMEND- LASKER, J. (m/n's 11-21-75)	
11-26-75	ANTHONY SPITALIERI- Filed letter to Deft. from Lasker, J. & Memo. 43408, returned by the Post Office as Not Deliverable.	
12-02-75	Deft. St. Julian Harrison present. U.S. Atty. Dominick Amorosa present. Deft's. Atty. Herbert Stegal by Gilbert Epstein, present. Bail set at \$10,000 cash or surety bond to be paid by noon Wednesday (12-3-75). Deft. to be committed until bail is posted. Lasker, J.	
12-3-75	ANTHONY ZINZI- Filed CJA-Form 23 - Deft's. financial affidavit.	
12-2-75	ST. JULIAN HARRISON- Filed deft's. appearance bond in the sum of \$10,000.00 - Midland Insurance Company - acknowledged by the Clerk.	
12-3-75	ANTHONY ZINZI- Filed Govt's. affidavit for a writ of habeas corpus, directed to Warden, Green Haven Correctional Facility. Writ Issued, ret. 12-3-75.	

DATE	PROCEEDINGS
05-17-76	JOHN DISALVO - Filed Motion for Reduction of Sentence.
5-18-76	<i>5-18-76</i>
5-19-76	<i>5-19-76</i>
5-21-76	Filed Writ of Habeas Corpus Ad Prosequendum to Warden, Greenhaven Correctional Facility, Greenhaven, New York to produce dft. Anthony Zinci on 4/5/76. Writ allowed.Griesa J. 4-21-76 Dft. produced & returned same date.
6-7-76	Filed Memorandum of Law dated 1-21-76
7-13-76	Filed Gov'ts Motion to Continue Date for Surrender. Ret. 8-2-76. (JOHN DiSalvo)
7-14-76	JOHN DISALVO - Filed True Copy of USCA Stipulation to withdraw appeal. dtd. 8-25-76. So Ordered A. Daniel Fusaro...Clerk of USCA.
7-14-76	JOHN DiSalvo - Filed Memo. End. on of N Plff. dtd. 7-13-76. Motion Granted on Consent.....Lasker J. (mailed notice)
7-21-76	Filed Dft. Notice of Motion & supporting affdvt. for order precluding the use by prosecution at trial of certain intercepted communications etc. Ret. 7/26/76.
7-23-76	FREDDIE PLASE - Filed Judgment & Commitment (Atty. Murray Richman Present) The Dft. is hereby committed to the custody of the Atty. Gen. or his authorized representative for imprisonment for a period of Imposition of sentence of imprisonment is suspended on count 1 & the Dft. is placed on probation for a period of THREE(3) YEARS subject to the standing probation order of this court.....Lasker J. Issued Commitment 7-26-76.
8-10-76	ANTHONY ZINCI - Filed Dfts. Motion to reduce Sentence Pur. to Rule 35 FRCP. Ret. 8-27-76.
8-19-76	ANTHONY RICCO - Filed Gov'ts. Memorandum of Law.
8-31-76	ANTHONY RICCO - Atty. Paul Goldberger, Esq. present. Dft. present. Dfts. motion to suppress Evidentiary Hearing begun & adjourned sine die.....Lasker J.
9-1-76	ANTHONY RICCO - (Atty. Present) Evidentiary Hearing continued & Concluded...Pierce J.
9-9-76	JOHN DISALVO - Filed Memorandum in support of Dfts. motion for reduction of sentence.
9-13-76	ANTHONY RICCO - Filed Dfts. Memorandum of Law.
9-28-76	ANTHONY RICCO - Filed Opinion #45171. Dfts. motion to suppress the Mengrone tapes at trial is granted & the motion to suppress the testimony of Peter Mengrone as a witness at trial is denied.....Lasker J. (rm)
10-8-76	ANTHONY RICCO - Filed Notice of Appeal from order dtd. 9-28-76. (mailed notice)
10-4-76	JOHN DI SALVO - Filed True Copy J&C Dft. delivered to Warden, MCC, NY on 9-15-76.
10-13-76	ANTHONY RICCO - Filed Notice of Appeal from Order dtd. 9-28-76. (mailed copies)
10-19-76	August 31-76.

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J

DATE	PROCEEDINGS
10-1-76	Filed True Copy of Record of Proceedings dated 7-1-76 John Di Salvo
10-29-76	Filed 3rd Supplemental Record to the USCA. John Di Salvo
10-19-76	Filed Probation Form No.12. Order the termination of probation imposed on count 1 on 3/26/76Lasker J. dtd. 10-18-76.
11-3-76	CHARLES INDIVIGLIA - Filed Dfts. Notice of Motion for an order for new trial. Ret. 11-15-76.
12-15-76	ANTHONY RICCO - Filed Notice of Certification of 4th Supplemental Record to the USCA
12-22-76	ANTHONY RICCO - Filed True Copy of USCA Mandate. motion dtd. 11-29-76 to dismiss appeal from order of USDC SDNY ent. 9-28-76 Granted... (mn)
1-17-77	Filed True Copy of USCA Mandate. Motion dtd. 1-5-77 to withdraw the cross appeal from USDC SDNY Granted. (ra)
2-7-77	ANTHONY ZINCI - Filed Memo. Ent. on dfts. motion for reduction of sentence dtd. 8-10-76. Motion denied...Lasker J. (mailed notice & copies)
3-24-77	ANGELO RICCO, JAMES RIZZIERI & CHARLES INDIVIGLIA etc. - Filed True Copy of USCA Mandate with opinion attached. Ordered Judgment of District Court they are hereby affirmed in accordance with opinion of USCA Court. Judgment Entered 3-25-77 Clerk Entered 3-30-77. (mailed notice)
4-15-77	ANGELO RICCO - Filed Dfts. Notice of Motion for order reducing sentence pur. to rule 35 FRCP. Ret. 4-21-77.
4-18-77	ANGELO RICCO - Filed Order that dft. submit to physical examination, etc. by Dr. Gerald Meischner, 1180 Morris Park Ave., Ex. NY during the week of 4/18/77 to determine physical capacity, etc.Lasker J. (mn)
4-19-77	ANGELO RICCO - Filed Govts. Affidavt. in opposition to dfts. motion for reduction of sentence.
4-27-77	Anthony Ricco pres. w/atty. Paul Goldberger, Dominic Smoss U.S. Atty. Pres. Trial begun.
4-28-77	" "
4-29-77	" "
5-2-77	" "
5-3-77	" "
5-4-77	" "
5-5-77	" " & Concluded Dft. Anthony Ricco found Guilty on Cts. 1, 7, 11, Cts. 4 & 5 dismissed with court prejudice, Bail is increased to Three Hundred Thousand Dollars (\$300,000) PRB dft. has ten (10) Days to comply with new bail arrangements. Sentence set for June 17, 1977 @ 10:00 Am Dft. to report to US Atty daily starting tomorrow bet. 12 & 2 & Sat & Sun. bet. 9 & 6.....Lasker J.
5-13-77	5-3, 4, 5-77 (Anthony Ricco)
5-13-77	4-27, 28, 29-77 & 5-2, 1977
	(OVER)

JUDGE LASKER

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DATE	PROCEEDINGS
5-23-77	MICHAEL PUCLISI, a/k/a Mike Siciliano - Filed Deft's supporting affdvt. and Consent Order by Judge Lasker that deft's bail be exonerated and discharged...Lasker, J.
6-8-77	A NGELO RICCO - Filed True Copy of J&C with marshals ret. Dft. delivered to Warden, MCC, NYC on 6-6-77
6-17-77	ANTHONY RICCO - Filed Judgment & Commitment (Atty. Paul Goldberger Pres.) The Dft. is hereby committed to the custody of the Atty. Gen. or his authorized representative for imprisonment for a period of SEVEN (7) YEARS on Counts 1 & 11 & upon the expiration of the term of custody, the dft. shall serve a SIX (6) YEAR period of Special Parole in accordance with the provisions of Title 21, U.S.C. Sec. 841(b). The said sentences to run concurrently & not consecutively and the dft. is sentenced under the provisions of Title 18, U.S.C. Sec. 4205(b)(2) (formerly 4208(a). & Imposition of sentence of imprisonment is suspended on count 7 and the dft. is placed on probation for a period of FIVE (5) YEARS, the term of which is not stayed and shall commence at this time...Lasker J.Issued Commitment 6-28-77.
6-28-77	ANTHONY RICCO - Filed Dfts. Notice of Appeal from Judgment dtd. 6-22-77. (mn)
7-7-77	FILED STIPULATION DESIGNATING CERTAIN DOCUMENTS TO BECOME THE RECORD ON APPEAL.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

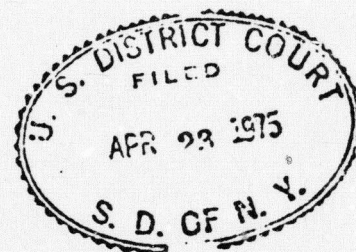
UNITED STATES OF AMERICA

-v-

ANTHONY RICCO, a/k/a Tony Bragiolo,
ANGELO RICCO, CHARLES INDIVIGLIA, a/k/a
Charlie Poops, JAMES RIZZIERI, MICHAEL
PUGLISI, a/k/a Mike Siciliano, JOHN
DISALVO, a/k/a Johnny Babear,
ANTHONY ZINZI, WILLARD WILLIAMS, a/k/a
Trees, SAINT JULIAN HARRISON, a/k/a
Harry, GEORGE CORRADO, ANTHONY
SPIALIERI, a/k/a Tony Spits, a/k/a
Tony from Cleveland, and FREDDIE BLASE,
Defendants.

INDICTMENT

75 Cr.



COUNT ONE

The Grand Jury charges:

1. From on or about the 1st day of January, 1971 and continuously thereafter up to and including the 30th day of December, 1973, in the Southern District of New York, ANTHONY RICCO, a/k/a Tony Bragiolo, ANGELO RICCO, CHARLES INDIVIGLIA, a/k/a Charlie Poops, JAMES RIZZIERI, MICHAEL PUGLISI, a/k/a Mike Siciliano, JOHN DISALVO, a/k/a Johnny

Babear, ANTHONY LINZI, WILLARD WILLIAMS, a/k/a Trees, SAINT JULIAN HARRISON, a/k/a Harry, GEORGE CORRADO, ANTHONY SPITALIERI, a/k/a Tony Spits, a/k/a Tony from Cleveland, and FREDDIE BLASE, the defendants, and others to the Grand Jury known and unknown, including Albert Rossi, Gary Pearson, Peter Mengrove, named herein as co-conspirators but not as defendants, and others, unlawfully, intentionally and knowingly combined, conspired, confederated and agreed together and with each other to violate Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code...

2. It was part of said conspiracy that the said defendants unlawfully, intentionally and knowingly would distribute and possess with intent to distribute Schedule I and II narcotic drug, controlled substances, the exact amount thereof being to the Grand Jury unknown in violation of Sections 812, 841(a)(1) and 841 (b)(1)(A) of Title 21, United States Code.

OVERT ACTS

In pursuance of said conspiracy and to effect the objects thereof, the following overt acts were committed in the Southern District of New York:

1. In or about September, 1971, defendant FREDDIE BLASE met co-conspirator Albert Rossi in the Bronx, New York.

2. In or about October and November, 1971, defendant ANGELO RICCO delivered ounces of heroin to defendant FREDDIE BLASE and co-conspirator Albert Rossi at the Chester House, the Rosedale Avenue Social Club, and elsewhere in the Bronx, New York.

3. In or about March and April, 1972, defendant ANGELO RICCO delivered ounces of heroin to defendant FREDDIE BLASE and co-conspirator Albert Rossi at a seafood restaurant, City Island, Bronx, New York.

4. In or about March and April, 1972 defendant GEORGE CORRADO purchased heroin from co-conspirator Albert Rossi at an apartment on Williamsbridge Road, Bronx, New York for resale to others.

5. In or about August, 1972 in the Bronx, New York, defendant JAMES RIZZIERI met with co-conspirator Albert Rossi and negotiated to sell heroin.

6. In or about September, 1972, defendants ANTHONY RICCO, a/k/a Tony Bragirole, and ANGELO RICCO met with defendant JAMES RIZZIERI and co-conspirator Albert Rossi at the Magic Carpet, Bronx, New York and discussed the sale of large quantities of heroin.

7. In or about November or December, 1972

defendants ANTHONY RICCO, a/k/a Tony Bragiolo, and ANGELO RICCO delivered two kilograms of heroin in the vicinity of the Magic Carpet, Bronx, New York for defendant JAMES RIZZIERI and co-conspirator Albert Rossi.

8. In or about November or December, 1972

defendant JOHN DISALVO, a/k/a Johnny Babear, met with co-conspirator Albert Rossi at the Magic Carpet, Bronx, New York and negotiated to purchase 1/8 kilogram of heroin.

9. In or about November, 1972 defendant JAMES

RIZZIERI delivered approximately one-half kilogram of heroin to another in the vicinity of Hugh Grant Circle, Bronx, New York.

10. In or about March, 1973 defendant ANTHONY

ZINZI met with co-conspirator Albert Rossi at the Hi Hat, Bronx, New York and discussed the sale of 1/8 kilogram of cocaine.

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11. In or about February or March, 1973, defendant ANTHONY SPITALIERI, a/k/a Tony Spits, a/k/a Tony from Cleveland, purchased approximately 1/4 kilogram of cocaine from co-conspirator Albert Rossi in the vicinity of 2007 Narragansett Avenue, Bronx, New York.

12. In or about March, 1973 defendant WILLARD WILLIAMS, a/k/a Trees, purchased 1/8 kilogram of cocaine from co-conspirator Albert Rossi at 92nd Street, New York, New York.

13. In or about April and May, 1973 defendants WILLARD WILLIAMS, a/k/a Trees and SAINT JULIAN HARRISON, a/k/a Harry had meetings in the Cellar Bar, New York, New York, and elsewhere with co-conspirator Albert Rossi and others and discussed the sale of 50 kilograms of heroin to co-conspirator Frank Matthews.

All

14. In or about April or May, 1973 defendant ANTHONY RICCO, a/k/a Tony Bragiolo, met with co-conspirator Albert Rossi at a car-wash in the Bronx, New York and discussed supplying 50 kilograms of heroin.

15. In May, 1973 defendants WILLARD WILLIAMS, a/k/a Trees, and SAINT JULIAN HARRISON, a/k/a Harry, and others, delivered \$350,000 to co-conspirator Albert Rossi in the vicinity of 2007 Narragansett Avenue, Bronx, New York.

16. In or about May, 1973 defendant JOHN DISALVO, a/k/a Johnny Babear, sold 1/8 kilogram of heroin to co-conspirator Jerry Rubin in the Bronx, New York.

17. In or about June, 1973 defendant ANTHONY ZINZI met with co-conspirator Peter Mengrone at Empire Ford, Mount Vernon, New York and negotiated to sell cocaine and heroin to co-conspirator Peter Mengrone.

18. In or about June, 1973 defendant MICHAEL PUGLISI, a/k/a Mike Siciliano, delivered cocaine to co-conspirator Gary Pearson in the Bronx, New York.

19. In or about August, 1973 defendant WILLARD WILLIAMS, a/k/a Trees, purchased approximately 1/2 kilogram of cocaine from co-conspirator Gary Pearson at Empire Ford, Mount Vernon, New York.

20. In or about August, 1973 defendant ANTHONY SPITALIERI, a/k/a Tony Spits, a/k/a Tony from Cleveland, purchased approximately 1/4 kilogram of cocaine from co-conspirator Peter Mengrone in the vicinity of the Raceway Diner, Yonkers Avenue, Yonkers, New York.

21. In or about September, 1973, CHARLES INDIVIGLIA, a/k/a Charlie Poops, purchased approximately 1/4 kilogram of heroin from defendant ANTHONY RICCO, a/k/a Tony Bragiolo in the vicinity of the Magic Carpet, Bronx, New York.

22. In October, 1973 defendant ANTHONY RICCO, a/k/a Tony Bragiolo, met with co-conspirator Peter Mengrone and another at the Magic Carpet, Bronx, New York, and negotiated to sell 3 kilograms of heroin.

(Title 21, United States Code, Section 846)

CONFIDENTIAL

The Grand Jury further charges:

In or about August or September, 1972

in the Southern District of New York,

ANGELO RICCO, and
CHARLES INDIVIGLIA, a/k/a Charlie Poops,

the defendants, unlawfully, wilfully and knowingly did
distribute and possess with intent to distribute a
Schedule II narcotic drug controlled substance, to wit,
approximately 1 kilogram of cocaine.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A).)

COUNT THREE

The Grand Jury further charges:

In or about October or November, 1972

in the Southern District of New York,

GEORGE CORRADO,

the defendant, unlawfully, intentionally and knowingly
did distribute and possess with intent to distribute a
Schedule I narcotic drug controlled substance, to wit,
approximately 1/8 kilogram of heroin.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A).)

COUNT FOUR

The Grand Jury further charges:

On or about the 22nd day of November, 1972
in the Southern District of New York,

ANTHONY RICCO, a/k/a Tony Bragiolo,
ANGELO RICCO, and
JAMES RIZZIERI,

the defendants, unlawfully, wilfully and knowingly did
distribute and possess with intent to distribute a
Schedule I narcotic drug controlled substance, to wit,
approximately 461.9 grams of heroin.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A).)

COUNT FIVE

• The Grand Jury further charges:

In or about November or December, 1972
in the Southern District of New York,

ANTHONY RICCO, a/k/a Tony Bragiolo,
ANGELO RICCO, and
JAMES RIZZIERI,

the defendants, unlawfully, wilfully and knowingly did
distribute and possess with intent to distribute a
Schedule I narcotic drug controlled substance, to wit,
approximately 2 kilograms of heroin.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A).)

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COUNT SIX

The Grand Jury further charges:

In or about May, 1973, in the Southern District of New York, JOHN DISALVO, a/k/a Johnny Babear, the defendant, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately 1/8 kilogram of heroin.

(Title 21, United States Code, Sections 812
841(a)(1) and 841 (b)(1)(A).

COUNT SEVEN

The Grand Jury further charges:

In or about May or June, 1973, in the Southern District of New York, ANTHONY RICCO, a/k/a Tony Bragiolo, and ANCELO RICCO, the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule II narcotic drug controlled substance, to wit, approximately 1 kilogram of cocaine.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(A).

COUNT EIGHT

The Grand Jury further charges:

In or about July or August, 1973, in the Southern District of New York, MICHAEL PUGLISI, a/k/a Mike Siciliano, the defendant, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule II narcotic drug controlled substance, to wit, approximately 1 kilogram of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

COUNT NINE

The Grand Jury further charges:

In or about August, 1973 in the Southern District of New York, ANTHONY SPITALIERI, a/k/a Tony Spits, a/k/a Tony from Cleveland, the defendant, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule II narcotic drug controlled substance, to wit, approximately 1/4 kilogram of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).)

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COUNT TEN

The Grand Jury further charges:

In or about August, 1973 in the Southern District of New York, WILLARD WILLIAMS, a/k/a Trees, the defendant, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule II narcotic drug controlled substance, to wit, approximately 1/2 kilogram of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

COUNT ELEVEN

The Grand Jury further charges:

In or about October, 1973 in the Southern District of New York, ANTHONY RICCO, a/k/a Tony Bragiolo, and ANGELO RICCO, the defendants, unlawfully, intentionally and knowingly did possess with intent to distribute a Schedule I narcotic drug controlled substance, to wit, approximately 3 kilograms of heroin.

(Title 21, United States Code, Sections 812 841(a)(1) and 841(b)(1)(A).

James J. [Signature]
Foreman

Paul J. Curran
PAUL J. CURRAN
United States Attorney

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United States of America vs.

United States District Court for

THE SOUTHERN DISTRICT OF NEW YORK

DEFENDANT

A THOMAS RISCO

DOCKET NO.

75 Cr. 411-EL

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government
and the defendant appeared in person on this date

MONTH DAY YEAR
6 17 77

COUNSEL

☐ WITHOUT COUNSEL

However, the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL

PAUL GOLDBERGER

(Name of counsel)

PLEA

☒ GUILTY, and the court being satisfied that there is a factual basis for the plea,

☐ NOLO CONTENDERE,

☐ NOT GUILTY

There being a finding/verdict of

☐ NOT GUILTY. Defendant is discharged
☒ GUILTY.

FINDING & JUDGMENT

Defendant has been convicted as charged of the offense(s) of

Count 1: Conspiracy to violate federal narcotic laws
Title 21, U.S.C. Section 846
Counts 7 and 11: Distribution & Possession of Heroin
Title 21, U.S.C. Section 812, 841(a)(1) & 841(b)(1)(A)

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

SEVEN (7) YEARS on Counts 1 and 11 and upon the expiration of the term of custody, the defendant shall serve a SIX (6) YEAR period of special parole in accordance with the provisions of Title 21, U.S.C. Section 841(b). The said sentence to run concurrently and not consecutively and the defendant is sentenced under the provisions of Title 18, U.S.C. Section 4205(b)(2) (formerly 4208(a)).

and

Imposition of sentence of imprisonment is suspended on Count 7 and the defendant is placed on probation for a period of FIVE (5) YEARS, the term of which is not stayed and shall commence at this time.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of one year, suspend or revoke probation for a violation occurring during the probation period.

The court orders commitment to the custody of the Attorney General and recommends

COMMENDATION RECOMMENDATION

MICROFILM A19

It is ordered that this copy be delivered to the clerk of the court and the defendant and the defendant's attorney.

UNITED STATES DISTRICT COURT

Southern District of N.Y.
United States of America

Docket Number

75 CR 411

- against -

ANTHONY RICCO
 Deft.

Judge M. Lasnik
 (District Court Judge)

FILED
 U.S. DISTRICT COURT
 JUN 28 12 36 PM '77
 S.D. OF N.Y.

NOTICE OF APPEAL

Notice is hereby given that

Anthony Ricco

appeals to

the United States Court of Appeals for the Second Circuit from the ☒ Judgment ☐ order ☐ other(specify) _____ entered in this action on JUNE 22, 1977 (Date)Date
To:

6/28/77
 DEFT IN M.C.C.

Address

PAUL A. GOLDBERGER
 (Counsel for Appellant)
401 BROADWAY
N.Y.C., N.Y. 10013

Phone Number

(212) 925-2105

ADD ADDITIONAL PAGE IF NECESSARY

(TO BE COMPLETED BY ATTORNEY)

TRANSCRIPT INFORMATION - FORM B

QUESTIONNAIRE

TRANSCRIPT ORDER

DESCRIPTION OF PROCEEDINGS
FOR WHICH TRANSCRIPT IS
REQUIRED (INCLUDE DATE)

- ☒ I am ordering a transcript
☐ I am not ordering a transcript

Reason:

- ☐ Daily copy is available
☐ U.S. Attorney has placed order
☐ Other. Attach explanation

- Prepare transcript of
☐ Pre-trial proceedings
☐ Trial
☒ Sentence
☐ Post-trial proceedings

The ATTORNEY certifies that he will make satisfactory arrangements with the court reporter for payment of the cost of the transcript. (FRAP 10(b)) Method of payment ☒ Funds ☐ CJA Form 21

ATTORNEY'S signature

Paul A. Goldberger

DATE

June 28, 1977

COURT REPORTER ACKNOWLEDGEMENT

To be completed by Court Reporter and
forwarded to Court of Appeals.

Date order received

Estimated completion date

Estimated number
of pages.

Date

Signature

(Court Reporter)

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WEISENFELD
STATE OF NEW YORK)
: SS.
COUNTY OF RICHMOND)

ROBERT BAILEY, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at 286 Richmond Avenue, Staten Island, N. Y. 10302. That on the 22 day of August 1977 deponent served the within *Appendix* upon

U.S. Atty. So. Dist. of NY

attorney(s) for

Appellee

in this action, at

1 St. Andrews Pl., NYC

the address(es) designated by said attorney(s) for that purpose by depositing 1 copies of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States post office department within the State of New York.

Robert Bailey
ROBERT BAILEY

Sworn to before me, this 22 day
of August, 1977

William Bailey
WILLIAM BAILEY

Notary Public, State of New York
No. 43-0132945

Qualified in Richmond County
Commission Expires March 30, 1978